

Appl. No.: 10/771,805
Amdt. Dated: 10/12/2006
Off. Act. Dated: 07/12/2006

REMARKS/ARGUMENTS

Reconsideration of this application is respectfully requested in view of the foregoing amendments and discussion presented herein.

1. **Restriction requirement.**

The Examiner has asserted that the application contains claims directed to patentably distinct species, with a first group drawn to claims 1-10 and 17-24 and a second group drawn to the claims 11-16.

In response, the Applicant confirms its telephone election made on July 5, 2006, during which the claims of Group 1, comprising Claims 1-10 and 17-24, were selected without traverse.

The Applicant confirms its election without traverse and cancels Claims 11-16.

2. **Rejection of Claims 1-10 and 17-24 under 35 U.S.C. § 102(b).**

Claims 1-10 and 17-24 were rejected under 35 U.S.C. § 102(b) as being anticipated by Satomi et al. (U.S. Pat. Publ. No. 2003/0063304) referred to as the Satomi reference hereafter.

(a) **Claims 1, 10, 17 and 24.** Claims 1, 10, 17 and 24 are the independent claims in the above group of claims.

It should be recognized that the Satomi reference teaches the use of a photoprocessing site whose output can be controlled from a cellular telephone, as stated in the Abstract: "*This invention is a photosite which allows access from a cell phone to provide user-friendly services*". The background in paragraphs [0007] through [0012] describes the object of the invention relating to the capture of keystrokes in "*which types of a plurality of keys arranged in the information processing apparatus and the number and types of characters assigned to the respective keys are stored in correspondence with each other*".

The system and method of the Applicant, however, teaches a system in which duplicate content, or related content, is stored across multiple devices. The claims of the instant application have been amended to more clearly bring out elements of this

Appl. No.: 10/771,805
Amdt. Dated: 10/12/2006
Off. Act. Dated: 07/12/2006

content synchronizing and tracking.

(a) Claim 1. Amended independent Claim 1 recites a number of method steps which do not comport with elements of the Satomi reference.

The step of receiving a request from the user to a specific content is further clarified as *"wherein duplicates of said specific content, or related to said specific content, are retained across multiple devices configured for communicating with one another over a network"*. This clarifies the synchronization and tracking aspect of the invention with respect to storage of duplicate content and related content. Applicant is unable to find references to the handling of duplicate and related content across multiple devices within the Satomi reference.

The step of reviewing a record associated with the specific content in response to the request is further clarified to include *"analyzing the associated record to determine what duplicate or related content is available across the multiple devices"*. Applicant does not find this aspect within the teachings of Satomi which teaches that a selected image can be output from any of a plurality of printers.

The step of selectively transmitting a confirmation for the request based on said reviewing is further clarified with the confirmation describing *"the presence of any duplicate or related content"*. The user is informed whether the same or related content exists across the range of multiple devices.

Finally, to the step of performing the request based on receiving the request now includes *"and instruction from the user in responding to said confirmation"*, which ties in with the preceding steps.

These clarifications further direct the claims to aspects of the synchronization and tracking of content objects.

As can be seen, Claim 1 recites one or more elements which are not found in the Satomi reference cited by the Examiner. Accordingly, the Applicant respectfully submits that Claim 1, as well as the claims which depend therefrom, is not anticipated by Satomi.

Appl. No.: 10/771,805
Amdt. Dated: 10/12/2006
Off. Act. Dated: 07/12/2006

(b) Claim 10. Independent Claim 10 is written in a means-plus-function form containing similar recitations to those recited in Claim 1.

The means for receiving a request from the user to a specific content is further clarified as "*wherein duplicates of said specific content, or related to said specific content, are retained across multiple devices configured for communicating with one another over a network*". This clarifies the synchronization and tracking aspect of the invention with respect to storage of duplicate content and related content. Applicant is unable to find references to the handling of duplicate and related content across multiple devices within the Satomi reference.

The means for reviewing a record associated with the specific content in response to the request is further clarified to include "*analyzing the associated record to determine what duplicate or related content is available across said multiple devices*". Applicant does not find this aspect within the teachings of Satomi which teaches that a selected image can be output from any of a plurality of printers.

The means for selectively transmitting a confirmation for the request based on said reviewing is further clarified with the confirmation describing "*the presence of any duplicate or related content*". The user is informed whether the same or related content exists across the range of multiple devices.

Finally, the means for performing the request based on receiving the request now includes "...*on receiving the request and instruction from the user in responding to said confirmation*", which ties in with the preceding steps.

These clarifications further direct the claims to aspects of the synchronization and tracking of content objects.

As can be seen, Claim 10 recites one or more elements which are not found in the Satomi reference as cited by the Examiner. Accordingly, the Applicant respectfully submits that Claim 10, as well as the claims which depend therefrom, is not anticipated by Satomi.

Appl. No.: 10/771,805
Amdt. Dated: 10/12/2006
Off. Act. Dated: 07/12/2006

(c) Claim 17. Independent Claim 17 is written to describe the structural modules within the system and their interactions, and is amended to include material from Claims 1 and 10.

Claim 17 also describes the nature of the interfacing described in relation to network operations. Preferences are also described in Claim 17, as in dependent Claim 2, wherein the preferences are further described here as being based on the types of request, as described in the specification for copy, delete, modify, view and save and so forth.

A control module was included in Claim 17 which coordinates the tasks of the other modules in the claim, although it should be appreciated that this functionality as brought out in the specification can be included within any of the other modules, which likewise need have no limitation as to how the functionality is divided, or if it is divided.

Accordingly, Claim 17 describes a system in which *"duplicates of said specific content, and/or related to said specific content, are retained across multiple devices configured for communicating over the network"*. This clarifies the synchronization and tracking aspect of the invention with respect to storage of duplicate content and related content. Applicant is unable to find references to the handling of duplicate and related content across multiple devices within the Satomi reference.

The reviewing module analyzes specific content in response to the request to determine what duplicate or related content is available across multiple devices. Applicant does not find this aspect within the teachings of Satomi, which teaches that a selected image can be output from any of a plurality of printers.

The review module in this claim selectively transmits a confirmation for the request based on the analysis of the presence of any duplicate or related content available across the system of multiple devices. The user is thus informed as to whether the same or related content exists across the range of multiple devices.

The review module also performs the analysis based on preferences associated with the type of request. Applicant does not find any teaching for the handling of

Appl. No.: 10/771,805
Amdt. Dated: 10/12/2006
Off. Act. Dated: 07/12/2006

preferences within Satomi for content requests in response to the presence of duplicate content and related content.

In addition, *"said review module executes the request based on receiving the request and instruction from the user in responding to said confirmation"*. This aspect is also not found in the cited reference.

Accordingly, Claim 17 contains a number of elements that are not anticipated by the Satomi reference.

(d) Claim 24. Independent Claim 24 is written as computer readable media, but contains similar elements and amendments as contained in independent Claim 1. Accordingly, Claim 24 teaches elements which are not found in the relied upon reference.

Therefore, independent Claims 1, 10, 17 and 24 each recite aspects which are not taught by the Satomi reference. Applicant respectfully requests that the rejection of Claims 1, 10, 17 and 24, and the claims that depend therefrom, be withdrawn and the case allowed to issue.

3. Claims 1, 10, 17 and 24 are nonobvious.

Nor would the subject matter of Claims 1, 10, 17 and 24 be obvious to a person having ordinary skill in the art in view of Satomi. The reference cited by the Examiner, does not suggest, teach or otherwise provide motivation for reviewing records associated within specific content in response to receiving a command associated with that content. Furthermore, Satomi does not provide for analyzing the record to determine duplicate and related content availability across multiple devices communicating over a network.

Therefore, since there is no need for these aspects and no teaching or motivation which can be found in the reference from which a person having ordinary skill in the art would find it obvious to modify the photo printing system of Satomi to correspond to that described in the Applicant's claims, Claims 1, 10, 17 and 24 recite structure which is patentable over the cited references for purposes of 35 U.S.C. § 103.

4. Amendment of Claims 1-6, 9-10, 17, 19-20 and 23-24.

Claims 1, 10, 17 and 24. Independent Claims 1, 10, 17 and 24 have been amended to recite claimed elements with greater particularity.

Receiving a request from the user to a specific content is further clarified as *"wherein duplicates of said specific content, or related to said specific content, are retained across multiple devices configured for communicating with one another over a network"*. Support for multiple devices across a network is described in the figures, including FIG. 2, and the specification including page 1, lines 20-22; page 6, lines 1-5; page 8, lines 10-14; page 10, lines 3-11, and so forth. Support for the retention of specific content, duplicates, and related content is found in the specification, such as at page 9, lines 16-23; page 12, lines 4-11; page 13, lines 10-16; page 14, lines 16-20; page 15, lines 8-11; and so forth.

Reviewing a record associated with the specific content in response to the request is further clarified to include *"analyzing the associated record to determine what duplicate or related content is available across said multiple devices"*. Support for the analyzing of the record with response to duplicate or related content is described in the specification, such as on page 9, lines 8-20; page 12, lines 8-11; page 14, lines 16-20; page 15, lines 4-11; page 18, lines 17-22; and so forth.

Selectively transmitting a confirmation for the request based on said reviewing has been further clarified with the selective transmission of the confirmation being based on *"the presence of any duplicate or related content"*. The user is provided a request confirmation that takes into account whether the same or related content exists across the range of multiple devices. Support for this which is found in the specification, including page 9, lines 8-20; page 12, lines 8-11; page 14, lines 16-20; page 15, lines 4-11; page 18, lines 17-22; and so forth.

Performing the request based on receiving the request now includes *"...and instruction from the user in responding to said confirmation"*, which ties in with the preceding steps.

Appl. No.: 10/771,805
Amdt. Dated: 10/12/2006
Off. Act. Dated: 07/12/2006

The material above applies to the amendments of each of the independent claims, with additional amendments applying to Claim 17.

In Claim 17, the nature of the interfacing is described in relation to network operations. Support for communicating over a network between one or more clients and a server is found throughout the specification, such as in FIG. 1-2, as well as page 5, lines 12-18 and so forth. Preferences are described in Claim 17 wherein the preferences are based on types of request. Support for types of requests are found in the specification, such as at page 9, lines 8-15; page 10, lines 12-15, and the like. Claim 2. Furthermore, the description of a control module is recited, such as shown as item 350 in FIG. 3 and discussed in the specification, to help in tying the functions of the other module together.

Claim 2. Dependent Claim 2 was amended to replace the phrase "*confirmation is utilized*" with "*confirmation is transmitted*" to more closely follow the wording of the base claims. Support is found throughout the specification, including page 10, line 14-15; page 14, lines 1-7; page 16, lines 2-9.

Claim 3. Dependent Claim 3 was amended to describe that the preference determines the utilization of any duplicate or related content, support for which is found in the specification, including page 16, lines 2-9, and so forth. It also states that the preference is based on the type of request, support for which is found throughout Applicant's specification, including page 10, lines 14-15, and so forth.

Claim 4. Dependent Claim 4 was amended to describe how a confirmation can be presented which provides options as to which content to use for performing the request (i.e., original, duplicate, or other related content). This is similar to Claim 9 which is limited to providing the user with the ability to authorize the request, which includes a choice of whether or not to proceed with executing the request. Support for the presentation of these options is found in the specification, such as at page 13, lines 10-22; page 17, lines 10-14; and the like.

Appl. No.: 10/771,805
Amdt. Dated: 10/12/2006
Off. Act. Dated: 07/12/2006

Claims 5, 6, 19 and 23. This group of dependent claims was amended to improve the alternative claim language.

Claim 23 was also amended to describe the requests as being within a group of "request types", for which specific examples are given.

Claim 9. Dependent Claim 9 was amended to include that the confirmation is directed at the user, and that the authorization is for executing the request.

Claim 20. Dependent Claim 20 was amended to describe that the confirmation is provided based on the criteria found in the preference, wherein the user confirms that the desire to proceed with performing the request. Support is found in the specification, such as at page 16, lines 2-9.

5. Amendments Made Without Prejudice or Estoppel.

Notwithstanding the amendments made and accompanying traversing remarks provided above, Applicant does not acquiesce in the original ground for rejection with respect to the original form of these claims. These amendments have been made without any prejudice, waiver, or estoppel, and without forfeiture or dedication to the public, with respect to the original subject matter of the claims as originally filed or in their form immediately preceding these amendments. Applicant reserves the right to pursue the original scope of these claims in the future, such as through continuation practice, for example.

6. Addition of Claims 25-28.

Independent Claims 25-28 have been added based on Claim 17 but organized as processor-based devices communicating over a network. Claims 25 and 26 are directed at a system with a server and at least one client device. Claim 25 describes the utilization of a confirmation message when duplicate or related content are found, but does not include the use of preferences. Claim 26 describes a similar arrangement but including preference choices. Claim 27 and Claim 28 are similar to Claim 25 while being recited from the perspective of a client device (Claim 27) and a server device (Claim 28).

Support for Recited Claim Elements.

The connection of a server and a client device are shown in FIG. 1, as well as described throughout the specification, including page 5, lines 12-18 and so forth. The use of electronic processors in the client device and server is shown in FIG. 2 as well as described throughout the specification. Programming executable on a processor is inherent in FIG. 2, recited in original Claim 24, and found throughout the specification.

Support for "*receiving a request specifying content*" is found in the first element of Claim 17, and has been in the original independent claims, such as Claim 1, 10, 17 and 24.

Support for "*duplicates of said specific content, and/or content related to said specific content*" being retained across the server and/or at least one client device is found in amended Claim 17. In addition, the description of "*analyzing the specific content and a corresponding record ...and determining the availability of duplicate or related content...*" is also described in amended Claim 17. Support these elements is found in the specification, including page 9, lines 8-20; page 12, lines 8-11; page 14, lines 16-20; page 15, lines 4-11; page 18, lines 17-22; and so forth.

Support for the element "*transmitting a confirmation...*", "*receiving instruction from the user...*", and "*executing the request*" is found within the amendments to Claim 17, as found in the specification, such as page 9, lines 8-20; page 12, lines 8-11; page 14, lines 16-20; page 15, lines 4-11; page 18, lines 17-22; and so forth.

Patentability of Additional Claims.

Claims 25-28 each recite a number of elements which are not taught by the Satomi reference. In particular, Applicant is unable to find within the Satomi reference any teachings directed to determining the availability of, and the handling of duplicate and related content across multiple devices connected to the network. Prior to executing the request, these claims describe sending a confirmation to the user when duplicate or related content is detected. This confirmation aspect is also not taught by the Satomi reference.

Appl. No.: 10/771,805
Amdt. Dated: 10/12/2006
Off. Act. Dated: 07/12/2006

In addition, there is no teaching, suggestion, motivation or incentive to modify the Satomi reference to yield the claimed invention. Satomi, for example, does not teach, suggest, or otherwise provide motivation for reviewing records associated within specific content in response to receiving a command associated with that content. Furthermore, Satomi does not send confirmations to the user in response to detecting duplicate and related content, and prior to executing the request.

Therefore, since there is no need for these aspects in Satomi and no teaching or motivation which can be found in the reference from which a person having ordinary skill in the art would find it obvious to modify the photo printing system of Satomi to correspond to the claimed invention, Applicant asserts that Claims 25-28 recite structure which is novel and patentable over the cited reference.

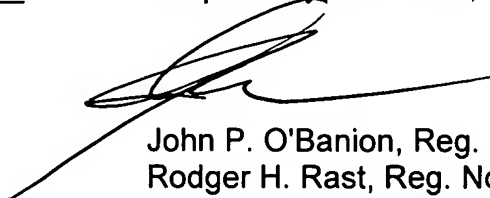
7. Conclusion.

Based on the foregoing, Applicant respectfully requests that the various grounds for rejection in the Office Action be reconsidered and withdrawn with respect to the presently amended form of the claims, and that a Notice of Allowance be issued for the present application to pass to issuance.

In the event any further matters remain at issue with respect to the present application, Applicants respectfully request that the Examiner please contact the undersigned below at the telephone number indicated in order to discuss such matter prior to the next action on the merits of this application.

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Respectfully submitted,



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